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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,562	04/13/2001	Jennifer H. Chen	2000-0075	3853

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EXAMINER

GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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05/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/834,562

Applicant(s)

CHEN ET AL.

Examiner

Jocelyn Greimel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This communication is in response to Applicant's Amendments and Remarks filed 09 March 2007.

Status of Claims

Claims 1, 3-11 and 13-20 are currently pending. Claims 1, 3-6, 9, 11 and 13 are currently amended. Claims 2, 12 and 21-26 have been canceled. Claims 1 and 11 are independent claims.

Claim Rejections - 35 USC § 112

The 35 U.S.C. 112 rejections of claims 1 and 11 are withdrawn. The 35 U.S.C. 112 rejections of claims 21-26 are moot, as the claims have been cancelled.

The 35 U.S.C. 112, second paragraph, rejection of claim 5 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is maintained. It is unclear how "a table listing" can customize environments listed in a table or the other items listed in claim 5.

Claims 3-8, 10, 13-18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3-10 and 13-20 recite limitations

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related to “environments” and the term has been eliminated in the proceeding independent claims, making the claims read less clearly. The claims have been examined using the terminology as best understood by the Examiner. The Examiner would suggest having the wording of all the claims read with similar terminology.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-11 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hancock et al (U.S. Patent No. 6,202,023 B1, hereinafter Hancock). In reference to claims 1 and 11, Hancock discloses a method, system and apparatus for customizing one or more devices based on the location of the user, comprising:

- a. Receiving, over a network, user identification and location information for the user;
- b. Extracting a current location from the location information;

- c. Retrieving a profile for the user, the profile including customization information for a plurality of customizable devices for the user at a plurality of locations including the current location;
 - d. Communicating over the network with one or more of the customizable devices at the current location to customize the one or more customizable devices based on the customization information in the user's profile for the current location of the user (abstract; col. 1-3).
3. In reference to claims 3 and 13, Hancock discloses a method, system and apparatus comprising:
- e. Extracting a reference location from the profile;
 - f. Generating a first list of environments to customize based on the reference location and the current location;
 - g. Retrieving a second list of the customizable devices corresponding to each of the environments in the second list (col. 1-3; col. 6).
4. In reference to claims 4 and 14, Hancock discloses a method, system and apparatus comprising:
- h. Retrieving customization logic from the profile, and
 - i. Executing the customization logic to generate the list of environments (col. 1-3; col. 8-10).

5. In reference to claims 5 and 15, Hancock discloses a method, system and apparatus comprising:

- j. a table listing customizes environments listed in a table based on a difference between the current location and the reference location; and
- k. reasons using status parameters in the profile, the current location and the reference location (col. 1-3; col. 8-10).

6. In reference to claims 6 and 16, Hancock discloses a method, system and apparatus comprising:

- l. extracting from the profile customization commands;
- m. retrieving configuration data from sources specified in the profile customization commands; and
- n. mapping the configuration data to customizable devices in the second list of each of the environments in the first list (col. 1-3; at least 31-33).

7. In reference to claims 7 and 17, Hancock discloses a method, system and apparatus comprising:

- o. an already customized environment; and
- p. a database of configuration data for particular customizable devices (col. 1-3).

8. In reference to claims 8 and 18, Hancock discloses a method, system and apparatus comprising:

- q. matching one or more portions of the configuration data with one or more customizable devices in the second list for each of the environments in the first list;
- r. collecting configuration data for each of the customizable devices in the second list of the environments in the first list; and
- s. integrating the collected configuration data for each of the customizable devices (col. 1-3).

9. In reference to claims 9 and 19, Hancock discloses a method, system and apparatus comprising:

- t. identifying a network address for each of the customizable devices; and
- u. setting, via the network, each of the customizable devices to operate in a manner consistent with corresponding integrated collected configuration data (col. 1-3).

10. In reference to claims 10 and 20, Hancock discloses a method, system and apparatus comprising:

- v. wherein the customizable devices include one or more of communication devices, computers, appliances, motor vehicles, temperature controls, entertainment devices, security devices, lights (col. 1-3).

Response to Arguments

11. Applicant's arguments with respect to claims 1, 3-11 and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-

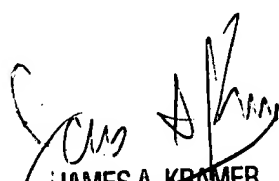
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3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
May 21, 2007

 5/23/07
JAMES A. KRAMER
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